

U. S. DISTRICT COURT - DE
MISC. CASE #-

98mc71

**FEDERAL SUPERFUND LIEN
(CERCLA)**

Name of Property Affected: Diamond State Salvage Site

Name of Owner: Diamond State Salvage Company, Inc.

Address of Property: 14th and Church Streets
New Castle County,
Wilmington, DE

For Information Contact: Patricia C. Miller (3RC41)
Senior Assistant Regional Counsel
U.S. EPA Region III
1650 Arch Street
Philadelphia, PA 19103
215-814-2662

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CLERK U.S. DISTRICT COURT
DISTRICT OF DELAWARE
2005 JUL 25 PM 2:59

UPDATE TO NOTICE OF LIEN

This is an update to Notice of Lien dated August 11, 1998 (U.S. District Court-DE, Misc. Case # 98-71) to reflect that the United States Environmental Protection Agency (EPA) has incurred past response costs pursuant to Section 107 of the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. § 9607, as amended by the Superfund Amendments and Reauthorization Act of 1986, Pub. L. No. 99-499, (CERCLA). Notice is hereby given by the EPA, on behalf of the United States, that the United States holds a lien on the property described in the deed attached hereto as Attachment "1". The initial Notice of Lien identified an estimate of costs in the amount of \$118,639.44; as of April 16, 2004, the total past response costs are \$18,385,232.72. Pursuant to Section 107(l) of CERCLA, a lien is created in favor of the United States upon all real property and rights to such property which belong to persons liable for costs and damages pursuant to 42 U.S.C. § 9607(a), and which property is subject to or affected by a removal or remedial action. This lien arises either at the time the United States first incurs costs with regard to a CERCLA response action or when the person(s) liable for such costs and damages is provided with written notice of potential liability, whichever is later. See 42 U.S.C. § 9607(l)(2). The lien continues until liability for costs and damages (or any decree or judgment against the person arising out of such liability) is satisfied or becomes unenforceable through operation of the applicable statute of limitations contained in Section 113 of CERCLA, 42 U.S.C. § 9613. Because response activities may be ongoing, the amount covered by the lien will increase as EPA continues to incur costs related to the removal or remedial action. The documents in support of the placement of this lien may be found in the

"Lien Filing Record" on the Diamond State Salvage Site. The Lien Filing Record is available for review at the Office of EPA for Region III, at the address noted above.

Authority to file lien notices was delegated to the Administrator of EPA on January 29, 1987, by Executive Order 12580, 52 Federal Register 2923, delegated to the Regional Administrator by EPA Delegation No. 14-26, September 13, 1987, and further delegated to the Regional Counsel on April 6, 1988.

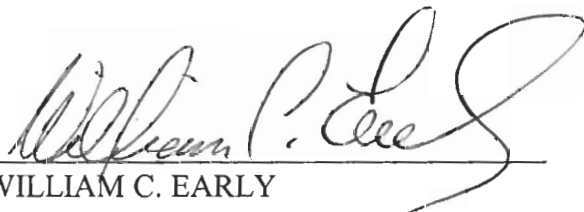
DATE NOTICE OF LIABILITY GIVEN: February 13, 1996

DATE COSTS WERE FIRST INCURRED: June 1995

EPA COST SUMMARY DATED 4/16/04: \$18,385,232.72

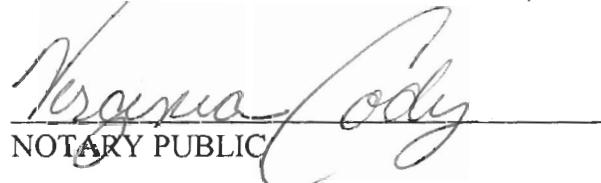
ESTIMATED TOTAL COSTS: \$18,500,000.00

The potential liability associated with the Site is joint and several. There may be other potentially responsible parties associated with the Site. The past response costs set forth in Attachment "2" are costs incurred by the United States; however, they have not yet been determined by EPA to be cost recoverable. EPA is only entitled to recover costs that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan (NCP) at 40 C.F.R. Part 300; see Section 107(a) of CERCLA, 42 U.S.C. § 9607(a).


 WILLIAM C. EARLY
 REGIONAL COUNSEL
 REGION III

5/9/05
 DATE

Subscribed and sworn before me on this, the 9th day of May, 2005


 NOTARY PUBLIC

SEAL

